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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6314 OF 2005

Shri. Abdul Jabbar Shaikh and Ors... Petitioners

Versus

Pune Municipal Corporation .. Respondent

Mr. A.V. Anturkar i/by Amogh P. Paralikar for Petitioner.

Mr. R.G. Ketkar for R. No. 1.

Mrs. M.P. Thakur, A.G.P. for R. No. 2.

CORAM: F.I. REBELLO &
S.J. VAZIFDAR,JJ.
DATED: FEBRUARY 05, 2007

P.C.:

. Rule. Heard forthwith.

. The Petitioners are tenants of the premises belonging to Respondent No. 1 Corporation. In terms of the D.P. Scheme the area is earmarked for a municipal dispensary. The Corporation proposes to develop the said property and also to rehabilitate the present petitioners who are tenants. That would require an amendment to the D.P. scheme. The Respondent Corporation has yet to forward the proposal to the State Government.

. In the meantime, the Petitioners approached this court apprehending that they will be displaced. Before this court a hearing took place and order

came to be passed on 1.12.2006. The settlement agreed is as reflected in Para 3 of the order. Pursuant to that, an affidavit has been filed by Mr. Sunil Kambli, Petitioner No. 2 on behalf of the Petitioners that they are agreeable to what is set out in Para 3 of the order passed by this court dated 19.12.2006. On behalf of the Corporation the learned counsel has produced communication dated 29.1.2007, which are instructions to the advocate appearing for the Petitioner, that Corporation has taken steps and till such time as the Petitioners are rehabilitated, they will not be displaced. Considering the above, the present petition can be disposed of by issuing the following directions :

(1) The Respondent No. 1 to take steps to apply to Respondent No. 2 for change in the D.P. Scheme and comply with the procedure within three moths from today and submit their proposal to the State Government.

(2) Considering that the land vests in Respondent No.1 Corporation and it is the Corporation which is seeking change of user of the land, Respondent No. 2 to consider the proposal and take decision on the same within three months thereafter.

(3) Till such time including the time required for

construction of the building in respect of which the change of user has been sought, and making available to the Petitioners permanent premises in terms of the order of this court dated 19.12.2006, the respondent will not displace the Petitioner from the accommodation as presently exists.

. In the event any of the Petitioners have to be displaced for the purpose of putting of new construction the Respondent Corporation to provide each of the Petitioners transit accommodation. Each of the Petitioners including Mr. Kambli to file individual affidavit that they are agreeable to what has been set out in Paragraph 3 of the order of this court dated 19.12.2006 and are agreeable to the same.That exercise has to be completed within four weeks from today.

. On the Government sanctioning the scheme for change of user, The respondent NO. 1 to complete the construction at any rate not latter than two years.

. Liberty to the Parties to apply for directions in the event such directions are required.

. Rule made absolute accordingly. No order as to costs.

(S.J. VAZIFDAR,J.) **(F.I.REBELLO,J.)**